

28.07.04

# Pitch battles

Bitter disputes between Travellers, councils and local residents are becoming increasingly common as 'illegal' Gypsy-owned sites continue to grow. But isn't there a better way? Jake Bowers and Alison Benjamin report

**N**azing, Essex, is a suburban sprawl where east Londoners who have made a bit of money move to see green fields from the windows of their big modern houses.

Past these homes, with their St George's flags flying, and behind the row upon row of industrial greenhouses, is a narrow road that leads to Harry and Linda Smith's land — half an acre of gravel on which stand two caravans, a neat wooden cabin, some well-cared-for potted plants and a portable toilet.

This pitch off Paynes Lane has been the Smiths' home for 14 years but the couple bought it without planning permission and subsequent planning applications have been rejected. As a result, Epping Forest district council has ordered them to leave. Unless Harry, 63, and Linda, 57, go by August 23, the bailiffs will remove them by force. Only a few weeks ago, at the same five-acre site, 26 Gypsies and Travellers were evicted who had repeatedly flouted planning regulations since their arrival two years ago.

The Smiths' eviction could be the latest in a line of ugly confrontations between Gypsies and Travellers and local councils trying to remove them

from "illegal" sites. Earlier this year police in riot gear paid an early morning visit to Meadowlands, also in Essex, to help clear out 15 families. At Bulkington Fields, Warwickshire, police and bailiffs were met by an angry crowd behind a huge banner that read Stop Ethnic Cleansing.

Harry Smith says he will not leave Paynes Lane. "We've got nowhere to go," he argues. "If the council finds me a place by all means we'll go, but how can I take my misses on the road? She's had a triple bypass and she's got to go back to the doctor for tests. They think her arteries are blocked again. She also has to take insulin twice a day for her diabetes."

Epping Forest district council has no sites for Gypsies and Travellers. And, claims Linda Smith, the nearest is full.

It is a similar story across England. The 324 sites provided by local authorities, where just under 6,000 caravans are pitched, have long waiting lists. Since the 1994 Criminal Justice Act removed the statutory duty on local councils to provide caravan sites few new ones have been created. Resistance from local residents and lack of funding are the two most frequent reasons cited by councils. Gypsies claim that their nomadic way of life has in effect been outlawed.

Current government policy recommends that the 300,000-strong Gypsy

and Traveller communities should house themselves on their own land. Many of the plots they have bought, however, are on greenbelt land on the outskirts of towns, so they are often denied planning permission. The government's own studies state that more than 90% of applications from Gypsies are refused, compared to applications from settled people, of which more than 80% are granted consent.

Last year there were almost 2,000 illegal encampments on land privately owned by Gypsies — up 40% on the previous year. Nearly half were in the east of Britain.

What results are bitter legal wrangles that can drag on for years. The Birmingham-based Community Law Practice, which specialises in representing Travellers, is dealing with up to 100 planning appeals, about a third of all cases. The most high profile appeal is ongoing in Cambridgeshire, where Cottenham residents and Travellers are locked in battle over the addition of 17 new mobile homes on Smithy Fen, Cottenham's long-established Travellers' site. Outraged local residents threatened to withhold council tax in protest at the antisocial behaviour they say they have endured since the Irish Travellers moved in.

Common complaints against Gypsies and Travellers include lorries rumbling along country lanes delivering

gravel, burning rubbish with smoke billowing across nearby gardens and residents claiming that burglaries have increased, despite little evidence to support this, according to the police.

In Epping Forest, growing tensions may have contributed to the election of three British National party councillors on the back of a manifesto pledge to "immediately evict Travellers/Gypsies from private or council lands". In Firle, east Sussex, a mock Gypsy caravan with the number plate P1KJE, was torched last year on November 5. The Crown Prosecution Service has dropped charges against the 12 people arrested because of lack of evidence.

The negative impact that the shortage of traveller sites has had on race relations is recognised by the Commission for Racial Equality (CRE), which this week appointed a Gypsy commissioner, Charles Smith, chair of the Gypsy Council.

Launching the commission's first strategy on Gypsies and Travellers earlier this year, chairman Trevor Phillips said: "There is no question that Gypsies and Travellers are probably the single most intensely discriminated against group in the country. I've described it as a case of Gypsies and Travellers in the UK being akin to [what] black folk were in the deep south of the US 40 years ago."

With the government estimating

that more than 4,000 additional pitches will be required on long and short-stay council sites, by 2007, a wide range of organisations as diverse as the Gypsy and Traveller Law Reform Coalition (GTLRC), the Association of Chief Police Officers and Cottenham residents' association have reached the same conclusion: more sites must be provided. The residents have even joined with GTLRC to put pressure on government to amend the housing bill and reintroduce a statutory duty on councils to meet Gypsy and Traveller accommodation needs.

The action has not sprung from a change of heart, but is an example of pure self-interest, says GTLRC's policy development worker Andrew Ryder.

"I can't think of a better recipe for discord and strife [than the Criminal Justice Act]," says Ryder.

Epping Forest says the impact of fighting Travellers through the courts can be huge for a small council. "The amount of work involved seriously affects the capacity of legal, planning and environmental health departments to continue with the normal day-to-day activities," says Independent leader of the council John Knapman.

Then there's the cost. Mid-Bedfordshire district council estimates that it has spent close to £500,000, excluding officer time, in court proceedings.

The Local Government Association



Earth struggle: Gypsies at Bulkington Fields, Warwickshire, demonstrate against an order to leave their land





Photograph: Darren Staples/Reuters

is in no doubt that forcing councils to provide sites is the only solution. "Unless there is a statutory duty supported by adequate funding it is unlikely that site provision and wider service provision for Travelling communities will be developed as a priority for both financial and political reasons," it told an Office of the Deputy of the Prime Minister select committee reviewing government's Gypsy and Traveller policy.

The review will report in the autumn, but going on evidence given by housing and planning minister Keith Hill the reinstatement of the statutory obligation is not a done deal.

"The government is, of course, considering all options," said Hill. "However, I am very clear that a duty would have significant spending implications. I am also conscious that a duty would put Gypsies and Travellers arguably in an advantageous position by comparison with other local residents without housing needs."

In Epping Forest, Knapman favours a Traveller-focused housing association scheme to bring forward appropriate sites funded by private and public money.

For Harry and Linda Smith it could come too late. When the bailiffs arrive at Paynes Lane, Harry says: "They'll have to put me in prison."

## David Bailey

Travellers' sites manager, Fenland district council



"Fenland has five local authority self-financing sites, the most of

any district council. The £40 a week rent covers maintenance. Some 60 families live on these sites. Another 200 families are on private pitches. Before they buy land we encourage them to speak to us. We look into finding other potential sites for them if the ones they want to buy aren't suitable. We treat people respectfully and listen to what they're saying.

In 40 cases we've persuaded Gypsies from buying unsuitable land.

In the past year there have been 229 unauthorised encampments. We currently have four. We negotiate with the occupants to move on to another area between five and 15 days later. We tell them: 'If you act in an environmentally responsible way we're not going to move you on immediately'.

We run Gypsy and Traveller cultural awareness seminars for public sector workers and explain to the Gypsies and Travellers how things they do could be annoying for local residents."

## Lawrie Berry

Member of Paynes Lane residents' association



"There are 13 houses in Paynes Lane, Nazing, Essex. I live about three-quarters of

a mile from the five-acre site off the lane where originally seven or eight Gypsy families were living. There was an incursion of a further 15 to 20 families in January 2002, which led to a stand-off between the local residents and the newcomers. We blocked off our lane; it's a private road, and the council had an injunction against the Gypsies saying they couldn't go on to the site. But the police let them go on. They told us it was to prevent a breach of the peace.

After that incursion we had three solid months of huge lorries going up and down the lane from 7am to 7pm. There were incidents of abusive and bad language and they chopped down a hedgerow. The original set would burn bonfires whose smoke billowed over the bungalow and cottages nearby.

It's not a question of racism or nimbysm. It is a question of right and wrong. It's like you or me building a block of flats in a field."

## Kathy Buckland

Gypsy



"About 100 not police and 40 bailiffs arrived at Barn on January 26 at Meadowlands, near Chelmsford. They smashed and

kicked everything up. My two-year-old was hysterical. I was pregnant with my fourth child. I felt like they were trying to sweep us away into a sewer, that they were not treating us like humans. They towed my three-bedroom mobile home off the site and put it on the road. I was told it would be put in storage until the council found me a legal site. But it was left on the road and a few days later it was set alight. All the children's toys and clothes were in there. I've lost everything.

I'd been on the site for six months. My family bought the pitch for £14,500. I'd applied for planning permission and thought it was going through. Legal sites are very difficult to find and there is a three-year waiting list to get on one.

Chelmsford council found me a house but I'm not coping very well. I feel like an alien. My whole life has been in a caravan. My mother is a Romany Gypsy and my father's an Irish Traveller."